

REMARKS

Claims 1 - 19 remain active in this application. Claim 7 has been amended to revise dependency. No new matter has been introduced into the application.

Restriction has been required between the inventions, as identified by the Examiner, of Group I, claims 1 - 17, drawn to and optical system and a machine vision system said to be classifiable in Class 348/335, and Group II, claims 18 and 19, drawn to a sorting method said to be classifiable in Class 348/91. Provisional election of the invention of Group I, claims 1 - 17 has been made, with traverse, above.

The Examiner asserts that the identified inventions are related as subcombinations usable together which can be shown to be distinct if shown to have separate utility. However, it is respectfully submitted that while the invention of Group I may be regarded as a subcombination of the invention of Group II, Group II is not properly regarded as a separate subcombination but, rather is a method of use of the invention of Group I. Further, whether the inventions are regarded as subcombinations or apparatus and method of use, the Examiner has not shown separate utility but only assert that Group I can be used in a video camera. In this regard, it is respectfully submitted that both independent claims 1 and 12 of Group I *include a camera as an element of the claimed combination*. Further, "imaging", the primary function of a camera, is also recited in independent claim 18 of Group I. Therefore, the Examiner has not asserted a separate utility but merely reiterated what is broadly claimed as an element of the inventive combination of Group I. Therefore, it is respectfully submitted that the Examiner has not made a *prima facie* demonstration of distinctness of the identified inventions in order to support the requirement for restriction.

Additionally, it is respectfully submitted that the Examiner has not made a *prima facie* demonstration of the existence of a serious burden in support of the requirement for restriction. Both inventions are asserted to be classifiable in a common class, although in different subclasses thereof. The Examiner also asserts that the search required for Group I is not required for Group II. However, it is respectfully submitted that claim 18 requires a step of moving an article to a doubly telecentric optical system and since a sorting system is a potential use for a doubly telecentric optical system in accordance with the present invention, it would appear from that fact and confirmed by the Examiners statement that the search for the subject matter of Group II would be entirely comprehended by the search for the subject matter of Group I. Additionally, where potentially distinct inventions are commonly classified the Examiner must show a required field of search for one identified invention where *no relevant prior art for the other invention would be expected* in order to make a *prima facie* demonstration of a serious burden of examination in the absence of the requirement. Therefore, it is respectfully submitted that the Examiner has not made a *prima facie* demonstration of a serious burden in support of the requirement for restriction.

Therefore, since the Examiner has not made a *prima facie* demonstration of either distinctness of the identified inventions or the existence of a serious burden in the absence of a requirement for restriction, it is respectfully submitted that the requirement for restriction is unsupported and thus unjustified. Accordingly, reconsideration and withdrawal of the requirement for restriction is respectfully requested.

Since all requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the

present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Marshall M. Curtis
Reg. No. 33,138

Whitham, Curtis & Christofferson, P. C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190

(703) 787-9400
Customer Number: 30743